

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 11-44385-WSd

**ANGELA SWORD LEWIS,
THOMAS K. LEWIS,**

Chapter 7

HON. WALTER SHAPERO

Debtors.

/

**UNITED STATES TRUSTEE'S
STATEMENT PURSUANT TO 11 U.S.C. § 704(b)(2)**

Daniel M. McDermott, United States Trustee for Michigan and Ohio, pursuant to 11 U.S.C. § 704(b)(2), states as follows:

1. The above-named Debtors commenced this case by filing a voluntary petition under Chapter 7 of the Bankruptcy Code on February 22, 2011.

2. The Debtors are individuals and have what appears to be primarily consumer debt.

3. After reviewing materials filed and provided by the Debtors, the United States Trustee determined that the presumption of abuse under § 707(b)(2) arises in this case.

4. Accordingly, the United States Trustee filed a statement pursuant to § 704(b)(1) indicating that this case is presumed to be an abuse under § 707(b)(2).

5. 11 U.S.C. § 704(b)(2) provides:

The United States trustee (or bankruptcy administrator, if any) shall, not later than 30 days after the date of filing a statement under paragraph (1), either file a motion to dismiss or convert under section 707(b) or file a statement setting forth the reasons the United States trustee (or the bankruptcy administrator, if any) does not consider such a motion to be appropriate, if the United States trustee (or the bankruptcy administrator, if any) determines that the debtor's case should be presumed to be an abuse under section 707(b) and the product of the debtor's current monthly income, multiplied by 12 is not less than [the applicable median family income amount].

6. Based upon currently available information the United States Trustee will not file a motion to dismiss this case under § 707(b)(2), because the United States Trustee does not consider such a motion to be appropriate.

7. Specifically, notwithstanding that the presumption of abuse arose under § 707(b)(2), Debtors have demonstrated and documented that compelling circumstances (decrease in income) exist in this case that justify adjustment to the Debtors' monthly disposable income ("MDI") and that, after such adjustment, the Debtors' monthly income would be below the trigger amount for the presumption to arise.

WHEREFORE, based upon the foregoing, the United States Trustee does not consider a motion to dismiss under 11 U.S.C. § 707(b)(2) to be appropriate under the circumstances.

Respectfully submitted,

DANIEL M. McDERMOTT
UNITED STATES TRUSTEE
Region 9

By /s/ Claretta Evans (P36933)
Claretta.Evans@usdoj.gov
U.S. Dept. of Justice
Office of the U.S. Trustee
211 West Fort St - Suite 700
Detroit, Michigan 48226
(313) 226-7912

Dated: May 6, 2011